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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,882	04/13/2004	Richard Simons	H0006930-0766(1161.116310	4002

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EXAMINER

BHAT, ADITYA S

ART UNIT PAPER NUMBER

2863

MAIL DATE DELIVERY MODE

09/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,882

Applicant(s)

SIMONS, RICHARD

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawal of finality

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by AndelmanLelek (NPL).

With regards to claims 29 and 30, Hill et al. (EP 1 196 003 A2) teaches a method for testing an HVAC system for an inside space prior to a heating/cooling season, the HVAC system having a heating/cooling component, the method comprising the steps of:

activating the heating/cooling component even though the HVAC system would not normally call for heat/cool; (Col. 1, Paragraph 0004, line 44-48) and

determining if the heating/cooling component is in compliance with a number of predetermined conditions. (Col. 5, Paragraph 0032, line 36-39)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (EP 1 196 003 A2) in view of AndelmanLelek (NPL).

With regards to claim 1, Hill et al. (EP 1 196 003 A2) teaches a method for testing an HVAC system for a building structure from a remote location outside of the building structure, the HVAC system having an active component and a dormant component, the method comprising the steps of:

transmitting a test request to each of the plurality of HVAC systems from the remote location; (Col. 3-4, Paragraph 0021, lines 58 & 1-3)

transmitting the test result for each of the HVAC systems to a remote location, and (Col. 4, Paragraph 0021, line 2)

storing the test results at the location outside of the building structure. (Col. 4, Paragraph 0029, lines 38-39)

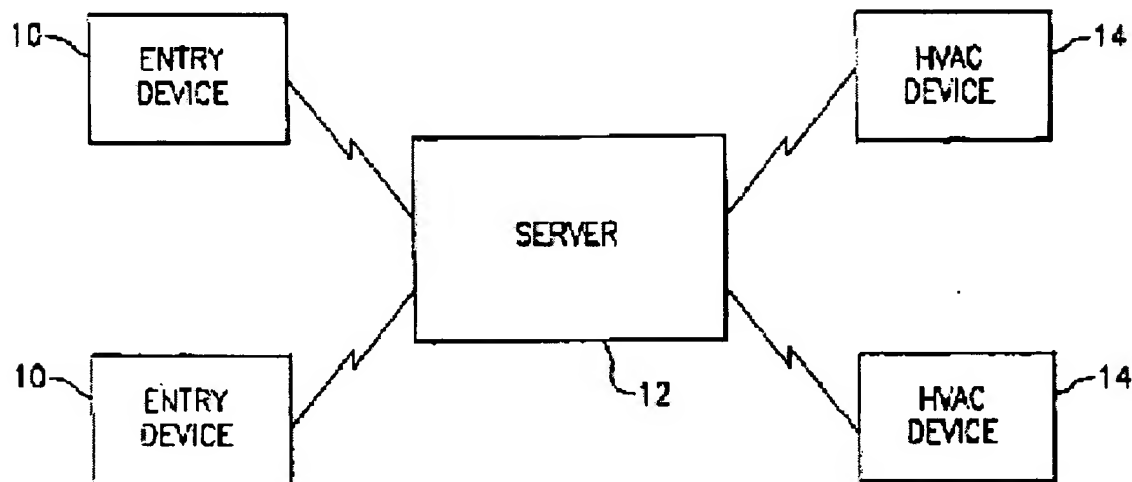


FIG.1

With regards to claims 2 and 4, Hill et al. (EP 1 196 003 A2) teaches that a component is a heating component or a cooling component. (14;figure 1)

With regards to claim 3 and 5, Hill et al. (EP 1 196 003 A2) teaches that a component is a cooling component or a heating component. (14; figure 1)

With regards to claim 6, Hill et al. (EP 1 196 003 A2) teaches the test request is transmitted to the HVAC system from a remote computer.

With regards to claims 7-10, Hill et al. (EP 1 196 003 A2) the test request is transmitted to the HVAC system from the remote computer via a telephone line connection, from the remote computer via a wireless connection, from the remote

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computer via a computer network, from the remote computer via the internet. (Col.

3, Paragraph 0016, line 1-5)

With regards to claims 11-12, Hill et al. (EP 1 196 003 A2) teaches a gateway (12; figure 1) for receiving the test request from the remote computer, and for communicating with the HVAC system wherein the gateway stores one or more tests. (Col. 5, Paragraph 0028, line 20-25) (figure 7)

UNIT DATABASE

UNIT NAME	UNIT PHONE #	POWER	MODE	ROOM TEMP	SETPOINT	FAN SPEED	LOUVER	TIMER	DIAGNOSTIC	ALARM METHOD 1	ALARM DATA 1
OFFICE	(315)555-3456	ON	HEAT	22	22	LOW	1	OFF	NONE	E-MAIL	XYZ@CARRIER.UTC.COM
MILAN	0131234123412	OFF	OFF	23	22	OFF	HOME	OFF	NONE	PHONE	(315)555-1234
FRANCE	3371234512345	ON	COOL	24	22	MEDIUM	6	OFF	NONE	E-MAIL	XYZ@CARRIER.UTC.COM
LOBBY	(315)555-4567	ON	FAIL	25	22	OFF	HOME	OFF	ROOM AIR	SMS	(315)555-2345

FIG. 7

With regards to claim 13, Hill et al. (EP 1 196 003 A2) teaches the gateway submits at least one of the one or more tests to the HVAC system in response to the test request. (Col. 1, Paragraph 0003, line 23-25) (see figure 1)

With regards to claim 14, Hill et al. (EP 1 196 003 A2) teaches a subset of the one or more tests and submits the subset of the one or more tests to the HVAC system

in response to the test request. (See figure 6) (unit1,2....N)

USER DATABASE

USER NAME	PASSWORD	UNIT 1	UNIT 2	...	UNIT N
CARRIER 1	123456	OFFICE	MILAN	...	FRANCE
CARRIER 2	654321	LOBBY	MILAN	...	

FIG.6

With regards to claim 15, Hill et al. (EP 1 196 003 A2) teaches the HVAC system includes two or more zones, and the test that is performed activates the primarily dormant component in conjunction with each of the two or more zones. (Col. 2, Paragraph 0007, lines 34-35)

With regards to claim 16, Hill et al. (EP 1 196 003 A2) teaches the transmitting step transmits a test request to two or more HVAC systems from the remote location. (see figure 1)

With regards to claim 17, Hill et al. (EP 1 196 003 A2) teaches the performing step performs a test on the primarily dormant component of the two or more HVAC systems in response to the test request, and produces a test result for each HVAC system. (see figure 7)

With regards to claim 18, Hill et al. (EP 1 196 003 A2) teaches the transmitting step transmits the test result for each HVAC system to a location outside of the building structure. (See figure 1)

With regards to claim 19, Hill et al. (EP 1 196 003 A2) teaches the remote location that the test request is transmitted from is the same as the remote location that the test result is transmitted. (Col. 4, Paragraph 0025)

With regards to claim 20, Hill et al. (EP 1 196 003 A2) teaches the remote location that the test request is transmitted from is different than the remote location that the test result is transmitted. (Col. 4, Paragraph 0025)

Hill et al. does not appear to teach performing a test on the dormant component of the HVAC system in response to the test request, and producing a test result wherein the active or dormant component is the heating or the cooling components

AndelmanLelek teaches performing a test on the dormant component of the HVAC system in response to the test request, and producing a test result wherein the active or dormant component is the heating or the cooling components (page 5 seasonal testing paragraph)

It would've been obvious to one skilled in the art at the time of the invention to modify the Hill teaching to include the off season testing taught by AndelmanLelek in order to ensure that the HVAC system was functioning properly before the season change and to minimize/eliminate service interruption.

Response to Arguments

Applicant's arguments with respect to claims 1-20 & 29-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoog et al. (USPN 6,385,510) teaches a HVAC remote monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
August 30, 2007


John Barlow
Supervisory Patent Examiner
Technology Center 2800